

CASREF, CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-03627-LTS-DFE**

Novogen Research Pty., Ltd. v. General Nutrition Centers, Inc. Date Filed: 05/12/2004
Assigned to: Judge Laura Taylor Swain Jury Demand: Defendant
Referred to: Magistrate Judge Douglas F. Eaton (Settlement) Nature of Suit: 830 Patent
Cause: 15:1126 Patent Infringement Jurisdiction: Federal Question

Plaintiff**Novogen Research Pty., Ltd.**

represented by **Porter Fleming**
Frommer, Lawrence & Haug, LLP
745 Fifth Avenue
New York, NY 10151
(212)588-0800
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**General Nutrition Centers, Inc.****Counter Claimant****General Nutrition Centers, Inc.**

represented by **Linda J. Casey**
Pepper Hamilton ,LLP(Phil)
3000 Two Logan Square, 18th and Arch
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V.

Counter Defendant**Novogen Research Pty., Ltd.**

Date Filed	#	Docket Text
05/12/2004	<u>1</u>	COMPLAINT against General Nutrition Centers, Inc. (Filing Fee \$ 150.00, Receipt Number 508008) Document filed by Novogen Research Pty., Ltd. (laq,) Additional attachment(s) added on 5/17/2004 (laq,).

		(Entered: 05/13/2004)
05/12/2004		SUMMONS ISSUED as to General Nutrition Centers, Inc. (laq,) (Entered: 05/13/2004)
05/12/2004	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Novogen Research Pty., Ltd. (laq,) Additional attachment(s) added on 5/17/2004 (laq,). (Entered: 05/13/2004)
05/12/2004		Magistrate Judge Douglas F. Eaton is so designated. (laq,) (Entered: 05/13/2004)
05/12/2004		Case Designated ECF. (laq,) (Entered: 05/13/2004)
05/12/2004		Mailed notice to Commissioner of Patents and Trademarks to report the filing of this action. (laq,) (Entered: 05/13/2004)
05/24/2004	<u>3</u>	PRELIMINARY PRETRIAL ORDER: Pretrial Conference set for 8/27/2004 at 3:00 PM before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 5/24/04) Copies Mailed By Chambers. (sac,) (Entered: 05/24/2004)
06/09/2004	<u>4</u>	FIRST AMENDED COMPLAINT against General Nutrition Centers, Inc..Document filed by Novogen Research Pty., Ltd..(Fleming, Porter) (Entered: 06/09/2004)
06/09/2004	<u>5</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against General Nutrition Centers, Inc..Document filed by Novogen Research Pty., Ltd.. Related document: <u>1</u> Complaint filed by Novogen Research Pty., Ltd.. (sac,) (Entered: 06/16/2004)
06/28/2004	<u>6</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. General Nutrition Centers, Inc. served on 5/17/2004, answer due 6/7/2004. Service was accepted by Christopher Warner. Document filed by Novogen Research Pty., Ltd.. (Fleming, Porter) (Entered: 06/28/2004)
07/08/2004	<u>7</u>	MOTION for Joseph W. Melnik to Appear Pro Hac Vice. Document filed by General Nutrition Centers, Inc.. Affidavit of Thomas E. Zemaitis in support attached. (sac,) (Entered: 07/14/2004)
07/08/2004	<u>8</u>	MOTION for Joseph W. Melnik to Appear Pro Hac Vice. Document filed by General Nutrition Centers, Inc.. Affidavit of Thomas E. Zemaitis in support attached. (sac,) (Entered: 07/14/2004)
08/02/2004	<u>9</u>	MOTION for Extension of Time to File Answer <i>Stipulation for Extension of Time</i> . Document filed by General Nutrition Centers, Inc., Novogen Research Pty., Ltd.. (Attachments: # <u>1</u> Certificate of Service)(Casey, Linda) (Entered: 08/02/2004)
08/02/2004	<u>10</u>	MEMO ENDORSEMENT on re: granting (subject to payment of the requisite fee) <u>8</u> MOTION for Joseph W. Melnik to Appear Pro Hac Vice. filed by General Nutrition Centers, Inc. (Signed by Judge Laura Taylor Swain on 8/2/04) (dj,) (Entered: 08/03/2004)
08/02/2004		Transmission to Attorney Admissions Clerk. Transmitted re: Copy of <u>10</u>

		Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (djc,) (Entered: 08/03/2004)
08/06/2004	<u>11</u>	MEMO ENDORSEMENT: notice of motion to admit Raymond A. Miller Pro Hac Vice is GRANTED subject to payment of the requisite fee. (Signed by Judge Laura Taylor Swain on 7/30/04) Copies Mailed by Chambers.(db,) (Entered: 08/06/2004)
08/09/2004	<u>12</u>	STIPULATION AND ORDER; defendant shall have an extension of time to answer or otherwise plead to Plaintiffs' amended complaint. The date by which Defendant must answer, move or otherwise plead to the amended complaint shall be August 16, 2004; (Signed by Judge Laura Taylor Swain on 08/09/04) (djc,) (Entered: 08/10/2004)
08/09/2004		Set Answer Due Date purs. to <u>12</u> Stipulation and Order, as to General Nutrition Centers, Inc. answer due on 8/16/2004. (djc,) (Entered: 08/10/2004)
08/13/2004		CASHIERS OFFICE REMARK on <u>10</u> Memo Endorsement in the amount of \$50.00, paid on 08/11/04, Receipt Number 516470. (gm,) (Entered: 08/13/2004)
08/16/2004	<u>13</u>	ANSWER to Amended Complaint with JURY DEMAND., COUNTERCLAIM against Novogen Research Pty., Ltd.. Document filed by General Nutrition Centers, Inc.. Related document: <u>5</u> Amended Complaint filed by Novogen Research Pty., Ltd.. (Attachments: # <u>1</u> Certificate of Service)(Casey, Linda) (Entered: 08/16/2004)
08/19/2004	<u>14</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by General Nutrition Centers, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Casey, Linda) (Entered: 08/19/2004)
08/20/2004	<u>15</u>	NOTICE of PRELIMINARY PRE-TRIAL STATEMENT. Document filed by Novogen Research Pty., Ltd.. (Fleming, Porter) (Entered: 08/20/2004)
08/30/2004	<u>16</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Laura Taylor Swain on 8/27/04) Copies Given By Chambers.(sac,) (Entered: 08/30/2004)
08/30/2004	<u>17</u>	PRE-TRIAL SCHEDULING ORDER: Amended Pleadings due by 10/1/2004. Joinder of Parties due by 10/1/2004. Discovery due by 3/31/2005. Final Pretrial Conference set for 12/1/2005 10:00 AM before Judge Laura Taylor Swain. See Document for further Scheduling Deadlines. (Signed by Judge Laura Taylor Swain on 8/27/04) Copies Given By Chambers.(sac,) (Entered: 08/30/2004)
09/07/2004	<u>18</u>	REPLY re: <u>13</u> Answer to Amended Complaint,, Counterclaim,, Document filed by Novogen Research Pty., Ltd.. (Fleming, Porter) (Entered: 09/07/2004)
12/01/2004		Minute Entry for proceedings held before Judge Douglas F. Eaton :

		Settlement Conference held on 12/1/2004. The parties did not reach a settlement. (db,) (Entered: 01/03/2005)
12/06/2004		Minute Entry for proceedings held before Judge Douglas F. Eaton : Telephone Conference held on 12/6/2004. The parties did not reach a settlement. (db,) (Entered: 01/03/2005)
12/14/2004		MEMORANDUM TO THE DOCKET CLERK: the court hereby closes the order of reference for magistrate judge statistical purposes. The case remains open. Reason: I held a settlement conference on 12/1/04, and follow up telephone conversations on 12/6/04. The parties did not reach settlement. (dle,) (Entered: 12/20/2004)
12/15/2004	<u>19</u>	CERTIFICATE OF SERVICE of MEMO ENDORSED ORDER served on GENERAL NUTRITION CENTERS, INC on DECEMBER 15, 2004. Document filed by Novogen Research Pty., Ltd.. (Fleming, Porter) (Entered: 12/15/2004)
12/15/2004	<u>20</u>	ENDORSED LETTER addressed to Judge Swain from Porter F. Fleming dated 12/14/04 re: parties jointly request a thirty day extension for exisiting discovery responses and claim construction deadlines. The Parties wish to direct their resources and energies to resolving this litigation by December 31. The foregoing request is granted; (Signed by Judge Laura Taylor Swain on 12/14/04) (dj,) (Entered: 12/17/2004)
01/07/2005	<u>21</u>	CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION. (Signed by Judge Laura Taylor Swain on 1/7/05) (ml,) (Entered: 01/11/2005)

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